



10/29/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8881

UNITED STATES OF AMERICA,
Plaintiff,

v.

Armando HUERTA-Lopez,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about October 28, 2007, within the Southern District of California, defendant Armando HUERTA-Lopez did knowingly and intentionally import approximately 61.06 kilograms (134.33 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Daryl Christensen, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29TH,
DAY OF OCTOBER 2007.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Armando HUERTA-Lopez

4 STATEMENT OF FACTS

5 This complaint is based on the reports, documents, notes
6 furnished to, and interviews conducted by U.S. Immigration and
7 Customs Enforcement Special Agent Daryl Christensen.

8 On October 28, 2007, at approximately 1245 hours, Armando
9 HUERTA-Lopez entered into the United States at the Calexico,
10 California, East Port of Entry, from the Republic of Mexico.
11 HUERTA-Lopez was the driver and registered owner of a 1985
12 Volkswagon Van. HUERTA-Lopez was accompanied by Alvaro NIEVES-
13 Farias.

14 At primary inspection, both HUERTA-Lopez and NIEVES-Farias
15 gave negative Customs declarations and presented their valid
16 Border Crossing Cards to Customs and Border Protection Officer
17 (CBPO) Tolentino. At primary inspection, HUERTA-Lopez stated
18 that they were going to Santo Tomas. CBPO Tolentino noted the
19 sound of the floor when tapped seemed unusual. Both occupants
20 and the vehicle were referred to secondary inspection.

21 At secondary inspection, CBPO Baca received a negative
22 Customs Declaration from HUERTA-Lopez, who claimed ownership of
23 the vehicle and stated he was en route to the Santo Tomas Swap
24 Meet. During the inspection, a depth discrepancy was noted in
25 the floor behind the driver's seat.

26 CBPO Randolph utilized his Narcotic Detector Dog, which
27 resulted in an alert to the floor in the vehicle. A search of
28 the vehicle revealed a fabricated compartment in the floor. The
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1 compartment was opened and thirteen (13) packages concealed
2 inside.

3 One of the packages was probed, producing a green leafy
4 substance, which field-tested positive for marijuana. The
5 thirteen packages of marijuana had a total weight of 61.06
6 kilograms (134.33 pounds).

7 HUERTA-Lopez was advised of his rights per Miranda, which he
8 acknowledged and waived. HUERTA-Lopez admitted knowledge that
9 the vehicle contained something which he knew was illegal and an
10 expected \$400.00 payment for crossing the vehicle. HUERTA-Lopez
11 stated that his passenger, NIEVES-Farias, was not aware of the
12 smuggling attempt.

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14 NIEVES-Farias was advised of his rights per Miranda, which
15 he acknowledged and waived. NIEVES-Farias denied any knowledge of
16 the contraband and stated he was riding with HUERTA-Lopez and
17 they were going to the Santo Tomas Swap Meet.

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